

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
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On 03 July 2001, applicant filed the instant petition to revive (Form PTO/SB/64) along with the declaration of the inventors and authorization to charge \$130 to applicant's credit card.

On 11 October 2001, a decision was mailed to applicant dismissing the petition to revive for failure to pay the proper petition fee.

On 07 January 2002, applicant filed the instant communication along with the executed declaration, petition fee and surcharge for filing the declaration after the thirty month period for a small entity.

### DISCUSSION

A petition under 37 CFR 1.137(b) must be accompanied by (1) a proper response unless it has been previously submitted, (2) the fee required by law for revival of an unintentionally abandoned application (1.17(m)), and (3) a statement that the "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional".

Applicant previously satisfied item (3) above. With regard to item (1), applicant has submitted the declaration executed by the joint inventors, Jan Wilbert and Harald Schwarz. With regard to item (2), the fee required by law for revival of an unintentionally abandoned application \$620 for a small entity has been paid.

A review of the application file reveals that the required petition fee of \$620 and \$65 surcharge have now been paid and thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is GRANTED.

### CONCLUSION

For the reasons discussed above, the petition to revive under 37 CFR 1.137(b) is GRANTED.

The application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing. The 35 U.S.C. 371(c) date is 07 January 2002.

  
Cynthia M. Kratz  
Attorney Advisor  
PCT Legal Office  
Telephone: (703) 306-5467